

REMARKS

The Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claims 1-12 were previously cancelled.

Claims 13, 14, 21, 22 and 24 are currently amended.

Claim 26 is being added.

This amendment adds, changes and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 13-26 (14 claims) are now pending in this application.

Claim Rejections 35 U.S.C. § 112

On page 2 of the office action, the Examiner has rejected claims 13-25 under 35 U.S.C. § 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicant regards as the invention. In response, the Applicant provides the following:

With regard to claim 13, the Applicant has added the element number to “seat part (2)”; “backrest (3)”; and “electric drive (6)”. As a result of such clarification, the Applicant believes that the “lack of antecedent basis” comment with respect to claims 14, 16, 17, 18, 19, 20, 21, 22, 23, 24, and 25, are resolved.

Further with respect to claim 13, the Applicant has clarified the alternative “fold-over function” and inclination-adjusting function.

With respect to claim 21, the Applicant has added “a second location” which defines the location of the second operating switch (12) and that the inclination-adjusting function can be actuated from the seat. (See Fig.)

With respect to claims 22 and 24 concerning the “backrest parts (4) (5)” the Applicant has added new claim 26 with positively states that the backrest (3) includes a first backrest part (4) and a second, smaller backrest part (5). Support for this amendment can be found in the substitute specification paragraph 0019 previously filed.

Further, with respect to claim 24, the Applicant has defined the position of the electric drive (6) relative to one end (8) of an axis of rotation (7) stating that the electric drive (6) is positioned “proximate” the one end (8). Support for the amendment can be found in paragraph 0019 and the Fig. of the substitute specification previously filed.

The Applicant has amended claims 13-25, as required in a manner that the Applicant believes has overcome the rejections. Accordingly, the Applicant respectfully requests withdrawal of the rejection of claims 13-25 under 35 U.S.C. § 112, paragraph 2.

Claim Rejections 35 U.S.C. § 102

On page 3 the Examiner has rejected claims 13, 14, 15, 16, 17, 24, and 25 under 35 U.S.C. § 102(b) as being anticipated by a German patent DE19630189. Claim 13 is in independent form. Independent claim 13, as amended, recites that the backrest (3) is moved relative to the seat part (2) in one of a fold-over function and an inclination-adjusting function.

Note: The amendment to claim 13 does not involve the stated feature. The two backrest functions were stated in claim 13 as originally filed.

The vehicle seat having a backrest that is moved relative to a seat part in one of a fold-over function and an inclination-adjusting function as required by independent claim 13 (as amended) is not disclosed, taught, or suggested by the German patent.

The German patent discloses a vehicle seat (1) (understood to be a front seat) in which its seatback (3) moves through a forward-tilted position to facilitate access to a rear seat bench (9). (see col. 2, third full paragraph of the German patent) There is no teaching or suggestion that the seatback has an inclination-adjusting function as disclosed and claimed in the present application or that there is a fold-over function as defined and claimed in the present application.

In contrast, the present application provides a seatback that moves relative to the seat part in one of a fold-over function and an inclination-adjusting function described at least in paragraphs 0022, 0025, 0027 and as illustrated in the figure as originally filed.

Accordingly, the Applicant respectfully requests withdrawal of the rejection under 35 U.S.C. § 102(b) and allowance of independent claim 13 (as amended) and dependent claims 14, 15, 16, 17, 24, 25 and 26 as they depend either directly or indirectly from independent claim 13.

Claim Rejections – 35 U.S.C. § 103

On pages 4-6 of the office action, the Examiner has rejected claim 19 under 35 U.S.C. § 103(a) as being unpatentable over the German patent in view of Mitchelen, et al (USPN: 6,042,145); claim 22 is rejected under 35 U.S.C. § 103(a) as being unpatentable over the German patent in view of McClintock, et al (USPN: 6,369,529); claim 23 is rejected under 35 U.S.C. § 103(a) as being unpatentable over the German patent in view of Rion, et al (USPN: 4,379,539).

In all of the 35 U.S.C. § 103(a) rejections, the Examiner relies on the German patent as the principle reference. As stated above, the German patent does not provide for a backrest (3) that moves relative to the seat part (2) in one of a fold-over function and an inclination-adjusting function. Therefore, one ordinarily skilled in the art would not be compelled to combine the German patent with any of the other cited patents to obtain that which is disclosed and claimed in the respective claims 19, 22 and 23 of the present application.

Accordingly, the Applicant submits that the rejections under 35 U.S.C. § 103(a) have been overcome and dependent claims 19, 22 and 23 which depend from independent claim 13, as amended, are now allowable. See 35 U.S.C. § 112, paragraph 4. The Applicant respectfully requests reconsideration and allowance of dependent claims 19, 22 and 23.

On page 6 of the office action, the Examiner states that claims 18, 20 and 21 would be allowable if rewritten to overcome the rejections under 35 U.S.C. § 112, second paragraph. The Applicant submits that claims 18, 20 and 21 are allowable in light of the comments and amendments discussed above and believe that each of the claims 13-26 are allowable. The Applicant submits that the application is in condition for allowance and respectfully requests allowance of claims 13-26.

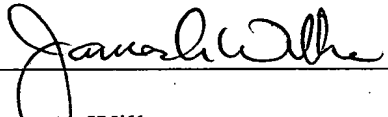
The Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

If any extensions of time are needed for timely acceptance of papers submitted herewith, the Applicant hereby petitions for such extension under 37 C.F.R. § 1.136 and authorizes payment of any such extensions fees to Deposit Account No. 06-1447.

Respectfully submitted,

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By 

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